

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

IN RE:

SERVICE ONE LLC

Debtor

Case No. 22-40503  
Chapter 11  
(Subchapter V)

**APPLICATION TO EMPLOY  
LAIN, FAULKNER & CO., P.C. AS ACCOUNTANTS**

Your rights may be affected by the relief sought in this pleading. You should read this pleading carefully and discuss it with your attorney if you have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written objection, explaining the factual and/or legal basis for opposing the relief.

No hearing will be conducted on this Application unless a written objection is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading **WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE** shown in the certificate of service unless the Court shortens or extends the time for filing such objection. If no objection is timely served and filed, this pleading shall be deemed to be unopposed, and the Court may enter an order granting the relief sought. If an objection is filed and served in a timely manner, the Court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your objection may be stricken. The Court reserves the right to set a hearing on any matter.

**TO THE HONORABLE BRENDA T. RHOADES, U.S. BANKRUPTCY JUDGE:**

COMES NOW Mark A. Weisbart, Subchapter V Trustee (the “Trustee”) in the above-referenced bankruptcy case, and files this his Application to Employ Lain, Faulkner & Co., P.C. as Accountants (the “Application”) pursuant to 11 U.S.C. § 327 (the “Bankruptcy Code”) and respectfully shows the Court the following:

**JURISDICTION**

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.

This Application is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409 since the Debtor was formed under the laws of the State of Texas and is domiciled in the entire state of Texas

**BACKGROUND**

3. On April 21, 2022, Service One, LLC (the “Debtor”) filed a voluntary petition in this Court under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, et seq.

4. On or about April 28, 2022, this Court entered an Order removing the Debtor from possession and authorizing Subchapter V Trustee to operate the business of the Debtor. Mark A. Weisbart is the duly appointed Trustee.

**REQUEST FOR RELIEF**

5. The Trustee now makes this Application pursuant to Section 327 of the Bankruptcy Code in order to seek the employment of Lain, Faulkner & Co., P.C. (“LainFaulkner”) as accountants for the Trustee and to perform those services fully described in the affidavit of Kelly McCullough, attached hereto as Exhibit “A” and incorporated herein by reference.

6. LainFaulkner has extensive experience in all aspects of accounting issues particular to reorganization and liquidation bankruptcy cases. The Trustee requires the accounting services of LainFaulkner in order to carry out his duties and responsibilities under the Bankruptcy Code.

**SERVICES TO BE PROVIDED**

7. The Trustee desires to employ LainFaulkner to perform the following accounting services.

- a) Assist the Trustee in the analysis of tax and taxation issues and in the filing of any necessary information and compliance forms regarding taxes;
- b) Perform all other accounting services and provide all other financial advice to the Trustee in connection with this case as may be required or necessary; and
- c) Testify at any hearings and/or trials as to one or more of the matters set forth above as is determined to be necessary and/or appropriate.

8. Subject to this Court's approval of the Application, LainFaulkner is willing to serve as the Trustee's accountants and to perform the services described above.

9. Payment for services will be made only after notice and hearing pursuant to Section 330 of the Bankruptcy Code.

### **COMPENSATION AND REIMBURSEMENT**

10. The professionals presently designated to represent the Applicant and their current standard hourly rates are:

<b>Professional/Paraprofessional</b>	<b>Hourly Rate</b>
Directors	\$385 - \$500
Accounting Professionals	\$210 - \$325
IT Professionals	\$280
Staff Accountants	\$175 - \$255
Clerical and Bookkeepers	\$80 - \$125

The hourly rates set forth above are LainFaulkner's standard hourly rates for work of this nature. LainFaulkner's rates are subject to periodic adjustment (normally at year end) to reflect economic conditions, as well as experience and other similar factors. These rates are set at a level to fairly compensate LainFaulkner for the services it provides and routine overhead expenses.

### **DISINTERESTEDNESS OF ACCOUNTANTS**

11. Neither LainFaulkner nor its employees hold an interest adverse to the bankruptcy estate in the matters upon which they are to be engaged and are disinterested persons as the term is defined in Section 101(13) of the Bankruptcy Code except as stated in the Affidavit of Kelly McCullough.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that the Court enter an Order approving the employment of LainFaulkner as accountant for the Trustee, and for any and all further relief as this Court deems to be fair and equitable.

Respectfully Submitted,

/s/ Mark A. Weisbart  
Mark A. Weisbart  
Texas Bar No. 21102650  
HAYWARD PLLC  
10501 N Central Expy, Suite 106  
Dallas, TX 75231  
(972) 755-7103 Phone/Fax  
[mweisbart@haywardfirm.com](mailto:mweisbart@haywardfirm.com)

SUBCHAPTER V TRUSTEE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing instrument was served on the parties on the attached mailing list in accordance with LBR 9013(f) either through the Court's electronic notification system as permitted by Appendix 5005 III. E. to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid on this the 10<sup>th</sup> day of May 2022.

/s/ Mark A. Weisbart  
Mark A. Weisbart

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

IN RE:

SERVICE ONE, LLC, Case No. 22-40503  
Debtor. (Chapter 11)

**AFFIDAVIT OF KELLY MCCULLOUGH IN SUPPORT OF  
APPLICATION TO EMPLOY LAIN, FAULKNER & CO., P.C., AS ACCOUNTANTS**

STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

ON THIS DAY appeared Kelly McCullough who, upon being duly sworn, did attest to the following:

1. "My name is Kelly McCullough, I am over the age of 18 years, and am competent and otherwise qualified to make this Affidavit. I have personal knowledge of the matters stated herein and they are all true and correct to the best of my knowledge.

2. I am a Director of the accounting firm Lain, Faulkner & Co., P.C. ("LainFaulkner").

LainFaulkner maintains offices at 400 N. Saint Paul Street, Suite 600, Dallas, Texas 75201.

3. This Affidavit is being provided in connection with the Application to Employ Lain, Faulkner & Co., P.C., as Accountants (the "Application"), filed by counsel for Mark A. Weisbart (the "Trustee"), the duly-appointed Subchapter V trustee of the Debtor's estate, in the above-referenced case, and pursuant to 11 U.S.C. § 327(a) and Fed. R. Bankr. P. 2014(a). I have read the Application and believe all of the matters asserted therein to be true and correct.

4. LainFaulkner maintains offices in Dallas, Texas. LainFaulkner is currently comprised of approximately 23 accountants and support staff. LainFaulkner has expertise in many areas of accounting including business reorganization, bankruptcy, forensic accounting, and

claims administration.

5. The Trustee has requested that LainFaulkner render professional services at the direction of the Trustee in connection with this Chapter 11 case. The professional services, pursuant to 11 U.S.C. §327, that the Trustee requires or may need LainFaulkner to render include, but are not limited to, the following:

- a) Assist the Trustee in the analysis of tax and taxation issues and in the filing of any necessary information and compliance forms regarding taxes;
- b) Perform all other accounting services and provide all other financial advice to the Trustee in connection with this case as may be required or necessary; and
- c) Testify at any hearings and/or trials as to one or more of the matters set forth above as is determined to be necessary and/or appropriate.

6. Subject to Court approval of the Application, LainFaulkner is willing to serve as the Trustee's accountants and to perform the services described above.

7. LainFaulkner has agreed to perform such accounting services on an hourly fee basis at its standard hourly rates, and the Trustee has agreed to same subject to this Court's approval. LainFaulkner's standard rates range from the following, depending on the personnel assigned:

<u>Professional/Paraprofessional</u>	<u>Hourly Rate</u>
Directors	\$385 - \$500
Accounting Professionals	\$210 - \$325
IT Professionals	\$280
Staff Accountants	\$175 - \$255
Clerical and Bookkeepers	\$80 - \$125

8. LainFaulkner's rates are subject to periodic adjustment (normally at year end) to reflect economic conditions, as well as experience and other similar factors.

9. LainFaulkner has not received any promise as to compensation in connection with the representation other than as set out above.

10. The members of LainFaulkner (i) do not have any connection with the Debtor, its

creditors, or any other party in interest or their respective attorneys and accountants, (ii) do not have any connection with the United States Trustee or any person employed by the Office of the United States Trustee, (iii) are ‘disinterested persons,’ as defined in § 101(14) of the Bankruptcy Code, and (iv) do not hold or represent any interest adverse to the Debtor’s estate.

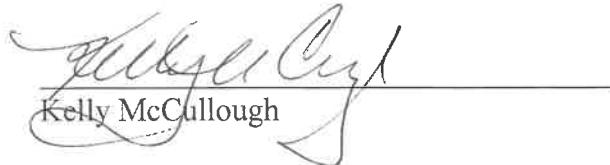
11. In preparing this Affidavit, I have reviewed, or caused to be reviewed, the records of LainFaulkner to determine whether LainFaulkner has any connections with the known parties in interest in this case, or any of their known attorneys and accountants. I do not believe that LainFaulkner has any such connections.

12. As part of its diverse practice, LainFaulkner is involved in numerous proceedings and transactions that involve many different professionals, including attorneys, brokers, and financial consultants, who may represent claimants and parties in interest in the Debtor’s chapter 7 case. Also, LainFaulkner has performed in the past, and may perform in the future, services for various attorneys and law firms, and has been represented by several attorneys and law firms, some of whom may be involved in this proceeding. LainFaulkner has previously worked, may currently work, and will likely in the future be working with or against other professionals involved in this case in matters unrelated to the Debtor and this case. Based on our current knowledge of the professionals involved, and to the best of my knowledge, none of these relationships create interests materially adverse to the Debtor in matters upon which LainFaulkner is to be employed, and none are in connection with this case.

13. Based on the foregoing, I believe LainFaulkner and its members to be “disinterested persons” for purposes of§ 101(14) of the Bankruptcy Code. To the extent that LainFaulkner discovers any facts bearing upon the matters described herein or its engagement by the Trustee, LainFaulkner will promptly supplement the information contained in this Affidavit to disclose such information.

14. To the best of my knowledge, the information contained herein is true and accurate."

FURTHER AFFIANT SAYETH NOT.



Kelly McCullough

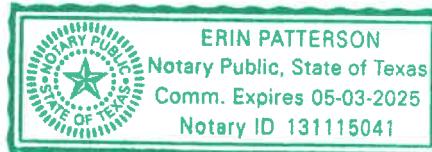
SUBSCRIBED AND SWORN TO BEFORE ME this 6 day of May 2022, to certify which witness my hand and official seal.



Erin Patterson  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

My Commission Expires:

5. 3. 2025



Case 22-40503 Doc 68 Filed 05/10/22 Entered 05/10/22 07:00:29 Desc Main  
Label Matrix for local noticing Document Page 9 of 10 ADR Plumbing Co.  
0540-4 Attn: Brendan O'Connor Attn: Paul Brake  
Case 22-40503 6302 Windcrest Drive, #925 3324 Welch Lane  
Eastern District of Texas Plano, TX 75024-3013 Sachse, TX 75048-3187  
Sherman  
Tue May 10 06:57:22 CDT 2022

William Todd Albin American Express Arbor Contract Carpet, Inc.  
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Frisco, TX 75034-7373 El Paso, TX 79998-1535 Dallas, TX 75267-5096

James S. Brouner Creations Granite & Marble Michael Durrschmidt  
Hayward PLLC 1726 Oldfield Dr. 1415 Louisiana, 36th Floor  
10501 N Central Expy, Suite 106 Dallas, TX 75217-1433 Houston, TX 77002-7360  
Dallas, TX 75231-2203

Ferguson Fix It Right Plumbing Glass FX, LLC  
PO Box 847411 PO Box 1201 1671 Riverview Dr.  
Dallas, TX 75284-7411 Burleson, TX 76097-1201 Colony, TX 75056-4813

Hernandez Multi Contracting LLC Home Depot Credit Services Jesus Contreras  
4801 Keller Springs Rd. PO Box 790340 900 Via Balboa  
Addison, TX 75001-5912 St. Louis, MO 63179-0340 Mesquite, TX 75150-3014

Jose Portillo M S International, Inc. MFS Supply  
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Fort Worth, TX 76106-7459 Farmers Branch, TX 75234-5813 Solon, OH 44139-3463

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Suite 450  
Frisco, TX 75034-1956 Suite 1800  
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Faizan (Frank) S. Patel Marcus Salitore Patrick J. Schurr  
Quilling Selander Lownds Winslett Moser US Trustee Office Scheef & Stone, L.L.P.  
2001 Bryan Street 110 N. College Ave., Room 300 2600 Network Boulevard  
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Dallas, TX 75201-3070 Frisco, TX 75034-6010

Service One, LLC Sherwin Williams (6288-6) Sherwin Williams (7487-2)  
4801 Keller Springs Road 909 Gross Road 909 Gross Road  
Addison, TX 75001-5912 Mesquite, TX 75149-2100 Mesquite, TX 75149-2100

Laurie A. Spindler Star Window Coverings LLC Trash Chomper LLC  
Linebarger, Goggan, Blair & Sampson 2030 East Arbrook Blvd., Ste. 180 4801 Keller Springs Road  
2777 N. Stemmons Fwy Ste 1000 Arlington, TX 76014-3798 Addison, TX 75001-5912  
Dallas, TX 75207-2328

US Trustee  
Office of the U.S. Trustee  
110 N. College Ave.  
Suite 300  
Tyler, TX 75702-7231

Mark A WEISBART (SBRW)  
Subchapter V Trustee  
10501 N Central Expy Suite 106  
Dallas, TX 75231-2203

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Mark A. Weisbart  
Chapter 7 Bankruptcy Trustee  
10501 N Central Expy Suite 106  
Dallas, TX 75231-2203

(d)Mark A. Weisbart  
Hayward PLLC  
10501 N Central Expy Suite 106  
Dallas, TX 75231-2203

End of Label Matrix	
Mailable recipients	32
Bypassed recipients	0
Total	32